

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**V&S ELMWOOD LANES, INC.,
Plaintiff,**

v.

**EVEREST NATIONAL INSURANCE
COMPANY,
Defendant.**

CIVIL ACTION

NO. 20-3444

ORDER

AND NOW, this 8th day of January, 2021, upon consideration of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 19, filed November 2, 2020), Plaintiff's Opposition to Defendant's Motion to Dismiss the First Amended Complaint (Document No. 20, filed November 16, 2020), Defendant's Reply in Further Support of Its Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 23, filed November 30, 2020), Defendant's Notice of Supplemental Authority in Further Support of Its Motion to Dismiss (Document No. 27, filed December 1, 2020), and Defendant's Second Notice of Supplemental Authority in Further Support of Its Motion to Dismiss (Document No. 30, filed December 23, 2020), for the reasons stated in the accompanying Memorandum dated January 8, 2021, **IT IS ORDERED** that the Court **DECLINES** to retain jurisdiction over this matter. The case is **DISMISSED WITHOUT PREJUDICE** to V&S Elmwood Lanes, Inc.'s right to file a declaratory judgment action in state court.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.